

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: POLICE

AGENDA DATE: December 28, 2004

CONTACT PERSON/PHONE: ASSISTANT CHIEF PAUL CROSS / 564-7310
MARTA GINER / 564-7119

DISTRICT(S) AFFECTED: 5

SUBJECT:

To APPROVE a resolution to allow the Mayor to submit, accept, reject, alter, terminate, and authorize budget transfers an on-line grant to the Department of Justice, Office on Violence Against Women, via the Police Department and the Chief of Police. The grant in the amount of \$750,000 over two years will enable the Police Department to implement a centralized unit dedicated to investigating domestic violence. The resolution will allow the Chief of Police to apply for, accept, reject, and conduct budget transfers for the noted grant.

BACKGROUND / DISCUSSION:

The City of El Paso's Police Department does not have a centralized investigative unit to track known and repeat offenders who batter their partner in domestic violence situations. This grant will fund the staffing of four police detectives and a supervisor to allow their complete focus on recidivist domestic abusers. The goal of the program will be to target repeat offenders and allow for focused prosecution on any applicable charges, which will affect the removal of the offender from the abusive environment and allow the victim to be better protected. Further, the program helps coordinate the referral of the victim to services and allows for better follow-up and tracking of subsequent cases. The overall aim of the program is to substantially reduce the occurrence of family violence within the jurisdiction of the El Paso Police Department.

PRIOR COUNCIL ACTION:

Council has previously approved a grant related to the Violence Against Women Act (VAWA) that provided funding for integration of case managers into the criminal process to assist victims in the aftermath of domestic violence. These workers continue to support the department and victims by referring victims to community resources for shelter, monetary, material and legal assistance.

AMOUNT AND SOURCE OF FUNDING:

The program will be funded if the grant is approved. The unit described in the program will be implemented unless the funding assistance is granted.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____

FINANCE: (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, through the Chief of Police be authorized to submit an on-line grant application completed by the El Paso Police Department authorizing the Mayor to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant and authorize budget transfers, from the U.S. Department of Justice, Office on Violence Against Women, for a grant under the Arrest Policies and Enforcement of Protection Orders Grant Program in the amount of \$750,000 over two years to pay for personnel and related costs for the purpose of creating a centralized Domestic Violence Unit; and that the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso, the Center Against Family Violence, the District Attorney's Office for the purpose of implementing the grant program. Matching funds are not required.

ADOPTED this 11th day of January, 2005

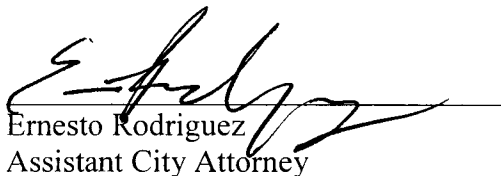
CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Ernesto Rodriguez
Assistant City Attorney

MEMORANDUM OF UNDERSTANDING

GRANT TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS

I. PURPOSE

This Memorandum of Agreement (MOA) is among the El Paso District Attorney of the 34th Judicial District, the El Paso Police Departments Domestic Violence Unit, the Center Against Family Violence (CAFV) to Encourage Arrest Policies and Enforcement of Protection Orders is to:

- (1) Ensure a clear understanding of the roles, responsibilities, processes and protocols regarding the investigation of domestic violence and the serving of victims of domestic violence in the El Paso, Texas area.
- (2) Build and/or enhance collaborative efforts between law enforcement, prosecutors and domestic violence victims' service providers that strengthen but do not duplicate existing service efforts.

II. BACKGROUND

The City of El Paso Police Department, the El Paso District Attorney's Office, and the Center Against Family Violence (CAFV) have worked closely and collaboratively for decades to address the troubling problem of domestic violence. The roles of each agency have traditionally and logically been very clear. The Police Department will continue to fulfill the role of investigating incidents of domestic violence, arresting offenders, presenting criminal cases to the District Attorney for prosecution, protecting victims and making referrals to the CAFV for victim services.

The District Attorney will continue in the role of prosecuting cases of domestic violence that fall within the limits of the District Attorney's jurisdiction. The District Attorney's office will continue its' tradition of acting in the best interests of justice in matters of domestic violence.

The Center Against Family Violence (CAFV) will continue its' superior efforts aimed towards serving victims of domestic violence, that include:

- 24 hour crisis hotline
- Sheltering victims from further abuse
- Family Resource Center
- Battering intervention and prevention program
- Community outreach
- Community relations
- Volunteer services
- Thrift store

III. GOALS

The goal of the collaborative is to:

- (1) Increase identification of domestic violence victims
- (2) Pro-arrest law enforcement tactics
- (3) Improve prosecution of repeat domestic violence offenders
- (4) Increase the successful prosecution of domestic violence offenders
- (5) Improve law enforcement services to victims and access to needed services

IV. AUTHORITY

This MOU is entered into pursuant to the Violence Against Women Act (VAWA), which was created in 1995. The VAWA and subsequent legislation seeks to provide national leadership against domestic violence, sexual assault and stalking by arresting and prosecuting domestic violence offenders and to ensure the safety of domestic violence victims. A program goal associated with this act is the development of a centralized Domestic Violence Unit to collaborate the efforts of law enforcement, prosecution and social services to better identify, enforce, prosecute and provide safe havens for victims of domestic violence. In addition, local law enforcement must develop and maintain close working relationships with the victim service providers and other faith-based and community-based organizations, as well as with the District Attorney's Office.

V. ROLES AND RESPONSIBILITIES

- A. El Paso Police Department will utilize pro-arrest tactics with domestic violence offenders and assure the safety of domestic violence victims.
- B. El Paso District Attorney will prosecute batterers and focus efforts on repeat offenders of domestic violence crimes.
- C. The Center Against Family Violence will provide a safe haven for victims of domestic violence and deliver other services' as is normal practice.

VI. IMPLEMENTATION

The conditions of this agreement become effective upon signing and are conditioned upon the El Paso Police Department being awarded the Domestic Violence grant that would allow the creation of a centralized unit. This MOU will remain in effect until the conclusion of the grant period of two years. Any amendments to the MOU shall be in writing and executed in the same manner as the original MOU.

Honorable Joe Wardy
Mayor
City of El Paso, Texas

Date

Jaime Esparza
District Attorney
34th Judicial District

Date

Gloria Aguilera-Terry
Executive Director
Center Against Family Violence

Date

Richarda Momsen
City Clerk
City of El Paso, Texas

Date

Approved as to form:
Luz Sandoval-Walker
Assistant City Attorney

Date

SUMMARY DATA SHEET

The City of El Paso is a local municipal government with a City Manager form of government. The non-profit victim services organization collaborating on this project is the Center Against Family Violence. This is a new application. This project will be local, implemented in the city of El Paso, Texas. The statutory purpose area addressed by this proposal is to centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, probation and parole officers, or judges. The program priority area is to illustrate that the jurisdiction does not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and courts; demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); have established cooperative agreements or demonstrate effective ongoing enforcement of protection orders from other States and jurisdictions and develop and implement coordinated initiatives to address incidents of sexual assault and/or stalking occurring in the context of domestic violence.

ABSTRACT/PROPOSAL SUMMARY

The City of El Paso recognizes the need to create a centralized police unit with a mission of investigating all domestic and dating violence cases within its jurisdiction. The City of El Paso has made great strides in combating domestic violence, however, it is recognized that the City can do more. There are over 1500 domestic violence and protective order warrants for abusers that have not been executed in El Paso. The City of El Paso, with the assistance of this grant funding, will create a unit consisting of one police supervisor, five patrol officers, and four police detectives specializing in domestic violence.

The sole mission of these personnel will be to receive every case of domestic/dating violence for intervention. Investigators will ensure that warrants are obtained on every domestic violence case and the officers will be tasked with executing warrants, including those that are backlogged. The domestic violence unit will work closely with a District Attorney Prosecutor to ensure that cases are hand-carried through the system and given special attention. Repeat offenders and residences with repeated calls related to domestic violence will be tracked via the department's new ILEADS computer system. This tracking of cases and abusers will allow the team to flag for special prosecutorial attention those cases that present the highest risk of escalating violence. Finally, the team will enhance the department's already good relationship with the Center Against Family Violence and ensure that victims of domestic violence are directly contacted for referral to services, especially when an offender is jailed.

STATUS OF THE CURRENT PROJECT

Not applicable

PROJECT NARRATIVE

Need for the Project

The Diversity of the Community

The City of El Paso Police Department serves a population of 563,662 citizens of which 52.5% are female¹ and have a median age of 31.1 years. Additionally, the City primarily consists of Hispanic minority citizens, which constitute 76.6% of the population. The median average household income is \$37,000 as compared to the national average of \$56,500, indicating that El Paso is a largely poor urban area². This fact is exacerbated by the proximity of the Mexico-U.S. border with Juarez, Mexico. The targets of this project are Hispanic, Anglo, and African-American females between the ages of 17 and 64 years. This group makes up the vast majority of the victims of Domestic Violence (DV) in El Paso³ is a traditionally underserved population of citizens. This group of citizen DV victims is historically hesitant to report victimization in the household because of family concerns and resident status in the United States. Consequently, the police find this segment of persons to be uncooperative and to deny that they are victimized. The first step in helping these victims will be to remove the offender from the household for the legally maximum amount of time, which will enable the department to approach the victim with social services referral and to assist them in obtaining temporary visas that will allow them to legally remain in the USA and reduce fear of their immigration status⁴

¹ See appendix A, demographic information

² See appendix A, demographic information

³ See appendix B, Domestic Violence Statistics

⁴ See appendix B-1, application for temporary visa for victims of violent crime.

Domestic Violence in Perspective

In 1999 the El Paso Police Department (EPPD) responded to 27,419 domestic-related police dispatch calls, compared with 30,499 in 2003 and nearly 25,000 calls through October 2004⁵. Of these dispatched calls 5,332 resulted in discovery of domestic violence in 1999 and 5,983 in 2003. Clearly, the City of El Paso has a problem with domestic violence.

Summary of Laws and Changes Concerning DV

The State of Texas radically changed criminal statutes in the 1990s and the changes forced intervention by police agencies into domestic violence, which had largely been considered a personal family matter. Currently, Texas Penal Law mandates that peace officers make arrests for family violence and issue emergency protective orders where applicable⁶. The law does not allow an officer the discretion to ignore acts of domestic violence and forgo arrest of a batterer or neglect to protect the victim of abuse by applying for an emergency protective order, even against the victim's desires. This has forced the police into the reality that domestic violence is a real crime that requires immediate action.

Department Training and Policy

The department routinely delivers quality training to officers so they may receive instruction on how to identify family violence and the destructive effects of that violence. The department currently uses the training material supplied by the Texas Commission on Law Enforcement Officer Standards and Education (T.C.L.E.O.S.E.)⁷. The training instructs officers in the following areas:

- Identification of roles and duties of law enforcement officers in DV
- Preventing dual arrest

⁵ See appendix B, Domestic Violence Statistics

⁶ See appendix C, Penal Code DV Statutes, Texas CCP, Chaps 5, 42, 56, and Texas Family Code, Title 4

⁷ See appendix D, TCLEOSE Lesson on Family Violence, Chapters 1-7, plus overview and exercises

- Determining the predominant aggressor
- Responding to the DV scene
- Interviewing techniques
- When the accused is a law enforcement officer
- Responding to strangulation cases
- Collecting and documenting evidence/photographing injuries

Further, the department has strong policies that require officers to strictly enforce domestic violence laws and ensure that the victims' protection is foremost⁸. Officers are clearly directed via the policy on how to define domestic violence, protect the rights of victims, investigate allegations of violence, document in reports, arrest offenders, obtain emergency protective orders, inform victims of their rights and resources to help, transport them to the Center Against Family Violence (CAFV), and other measures to protect the victim and prosecute offenders. Finally, the department employs a battery of social workers that were employed via grant funds provided by the Violence Against Women Act (VAWA). The social workers are assigned with volunteers to provide immediate intervention and resources to victims of DV⁹. The department also allocated five uniformed officers to work side-by-side with the social workers in providing intervention for victims¹⁰. The officers assigned to this task were found to be largely ineffective, since they focused on helping to provide social services and not direct intervention, such as arrest or enforcement of protective orders. Funding of this program would greatly enhance those employees' activities that are currently assigned to combat DV and funded under other grants.

⁸ See appendix E, EPPD Family Violence Policy 4-501 through 4-503.03

⁹ See appendix F, Domestic Abuse Response Team Job descriptions for social workers.

¹⁰ See appendix F-1, Domestic Abuse Response Team Job descriptions for officers.

The Need to Reassess Strategy

On November 2, 2004 Cutberto Barraza violated a protective order that was placed against him by an El Paso court after having continually battered his wife over the course of several years. Barraza had also been convicted of assaulting his wife after being arrested several times by the El Paso Police. Barraza broke into his estranged wife's home and shot their three children, aged 15, 10, and 7 with a handgun¹¹. It is nearly certain that Barraza would have shot his wife had she been home at the time of the violent outburst.

The Barraza incident revealed a serious weakness in how El Paso handles cases involving family violence. The police department did all that was required by intervening, arresting Barraza, and obtaining a protective order against him. Further, officers testified against Barraza and helped obtain a conviction for domestic violence. All legal mandates were met, yet the violence in this family continued.

The Need to Centralize DV Efforts

After deep consideration of the incident and several like it, it was determined that there is a need for a centralized domestic violence unit. The EPPD receives domestic violence cases and assigns them by region to generalist police detectives. There are five police regions that police specific, geographically defined areas of the city¹². Consequently, it was determined that the generalists handle the DV cases in a manner consistent with "any other case" that they receive. This is clearly not adequate and does not help to focus police attention on potentially deadly offenders. The EPPD also conducted an audit and discovered that while officers are making arrests when an offender is present, they are obtaining warrants for domestic violence when the offender has fled prior to police arrival. The officers then file the warrants and there is little

¹¹ See appendix H, El Paso Times Article "Children Shot by Father."

¹² See appendix G, map of regional command areas.

effort to follow up the case with arrest and intervention. In fact, the department discovered that there are 1,500 warrants outstanding and needing execution for both family violence incidents and for protective order violations¹³. This is not acceptable and in the next section a description of the department's actions to reduce this backlog will be delineated. Because so many warrants are outstanding there are numerous offenders in the El Paso community that have not suffered the consequences of their abusive behavior and there are many victims at great risk of further violence. The next section contains a detailed description of what the City of El Paso, through the EPPD has done and will do to work towards resolving the issues discussed.

What will be done

Reallocation of Current Resources

The EPPD recently re-allocated the five domestic abuse officers previously mentioned that were conducting intervention not consisting of enforcement and police intervention. These officers were consolidated under the Support Services Division under Commander Kenith Adcox and attached to a newly created and centralized domestic violence unit¹⁴. This unit started on December 6, 2004 and is tasked with executing the backlog of warrants previously noted. The unit will stay in place permanently and is a show of good faith by the department and a demonstration of the intent to confront and reduce the problem of DV through arrest and prosecution of offenders. The unit will continue regardless of whether this grant is received.

The Need for Funding Centralized Investigators/Detectives

The EPPD, if funded under the grant, intends to staff the DV unit with an additional four detectives that will specialize in the investigation and tracking of domestic violence cases and offenders. The department was recently mandated by City Government to cut 3 million dollars

¹³ See appendix H-1, warrant list containing wanted abusers in the EP community

¹⁴ See appendix I, organizational chart for the new DV unit of the EPPD consisting of five officers

from the existing budget. Consequently, the reallocation of five officers is all that can be done financially to augment our current efforts to combat DV. Without funding of detectives and a supervisor for the full implementation of this unit/program then the project will be limited to those reallocated as indicated. The unit, if funded, will be assigned a Police Sergeant to supervise the staff and coordinate the execution of tactics to address the DV problem.

Improvement of Existing Collaboration With the DA and CAFV

The unit will work closely with the El Paso District Attorney and a prosecutor specially assigned to prosecute cases of DV violence, as well as the Center Against Family Violence, which accepts victims of DV into their shelter from the EPPD weekly¹⁵. These cooperative arrangements, duties, and roles are delineated in the appendix containing the Memorandum of Understanding between the City of El Paso (EPPD), the EP District Attorney, and the Center Against Family Violence (CAFV)¹⁶.

Addressing the Problem of DV Recidivism

The unit will also focus on repeat DV offenders and repeat calls for domestic disturbances at residences throughout the city. Once an abuser with a high likelihood of offending repeatedly is identified, then the DV unit will focus in on all activities of the offender in an effort to remove the person from the street. Consequently, any offense committed by a known DV abuser will be treated specially and flagged for special prosecutorial efforts in an attempt to send the offender to prison. Further, the DV unit will conduct covert surveillance of DV offenders displaying high activity and attempt to catch them in the act of violating protective orders and initiate immediate arrest when this act is observed.

¹⁵ See appendix J, information packet on the CAFV that indicates a longstanding cooperative partnership with the EPPD.

¹⁶ See appendix K, MOU between indicated parties

Tracking of High Risk and Repeat Offenders Pro-Arrest Approach

The tracking of offenders will be accomplished through new software that the EPPD acquired in 2004 called ILEADS¹⁷. This new software is Windows-based and enables the department to conduct digital searches of every police report filed, as well as all dispatch calls. Further, the system has a module that specifically tracks known DV offenders and allows investigators to search for the most active abusers. The DV unit will compile a list that would be similar to a “top ten” and then focus efforts towards removing those offenders from society.

Social Services Intervention Efforts Expanded

Finally, the back end of the program will consist of Domestic Abuse Response Team (DART) case managers making contact with a DV victim immediately after the DV unit officers/detectives arrest the offending spouse/significant other of the DV victim. This will enable the DART workers to provide immediate intervention and referral to legal and social services, as well as crime victim compensation access.

The EPPD believes that the aforementioned approach is a significant departure from the department’s previous practices regarding domestic violence. The department is also optimistic that the efforts of the unit will reduce repeat calls of DV and reduce the risk of further injury to victims by removing the ability of the offender to abuse, via lockup.

Who will implement the project

Police/City Responsibility as Lead Agency

The project will be implemented under the command of El Paso Police Commander Kenith Adcox, M.P.A.¹⁸ Commander Adcox is an 18 year veteran of the El Paso Police Department and has executed numerous grants and has been an efficient and effective police

¹⁷ See appendix L, ILEADS, Tracking known DV offenders module explanation

¹⁸ See appendix M, Resume of Cmdr. Kenith Adcox

administrator since 1999. As previously mentioned, the department will approach the targeted offenders with a pro-arrest policy and focus efforts towards removing the abuser from the victim for significant lengths of time via jail/imprisonment.

The Role/Duties of the District Attorney (DA)

The DA's duties will include increasing the presence and prosecutorial efforts regarding cases presented against offenders by the centralized DV police unit. The DA will receive partial funding of an Assistant DA, which will work exclusively to obtain maximum sentences for DV offenders. The ADA will be routinely available to consult with investigators on complex cases and the investigators will support the activities of the ADA by being present to testify against offenders.

The Role of the Center Against Family Violence (CAFV)

The CAFV is a well-established victim service center that focuses its efforts solely on assisting victims of DV. The assistance consists of emergency shelter, counseling, legal aid, clothing and food assistance and other financial assistance¹⁹. The CAFV works collaboratively with the EPPD's Domestic Abuse Response Team (DART) and patrol officers by providing a safe haven for victims immediately after an assaultive episode. Further, the CAFV is currently participating in the development and implementation of this pro-arrest program, as demonstrated in the attached letter of support²⁰.

Sustainability plan

Program Metrics, Measurements of Success

The department has some obvious goals in mind that would likely measure the success of the overall program that are summarized below:

¹⁹ See Appendix J, Description of CAFV purposes and services offered

²⁰ See appendix N, letter of support from CAFV

- The department will increase arrests of offenders and decrease the backlog of warrants by a minimum of 60 percent in the first year.
- The department will decrease the amount of dual arrests by 75 percent through competent investigations that discover the primary aggressor.
- The department will reduce the amount of repeat domestic violence cases by fifty percent through aggressive pro-arrest strategies.
- By the second year of the program the department will experience an overall decline of five percent in reported DV cases as a result of enforcement actions via the funded program and centralized approach.

The program goals will be statistically monitored and tracked to ensure proper accountability and the success of the program reported to the funding agency.

Long Term Goals of Collaboration and Sustainability of Approach

The City of El Paso and the El Paso Police Department have a long-term commitment to combating domestic violence and arresting offenders. The department has shown significant effort through the last decade and this program amounts to (1) a reallocation of resources, and (2) an expansion of our efforts to reduce DV through additional funding for a maximized and centralized unit to address the continuing problem. A letter of support from El Paso Police Chief Richard Wiles affirms this commitment²¹. Further, the department has a longstanding working relationship with the Center Against Family Violence (CAFV) and the District Attorney's Office²². This collaborative has spent a significant amount of time and resources towards curbing family violence.

²¹ See appendix O, letter of commitment and support from Police Chief Richard Wiles

²² See appendix P, letter of support from District Attorney Jaime Esparza and letter from CAFV Executive Director Gloria Aguilera Terry

The District Attorney's Office is tasked with the prosecution of domestic abusers and currently has one prosecutor assigned full time to this task. The grant funding would bring an additional prosecutor to focus on repeat offenders and ensure that the offenders face justice for their criminal acts. The prosecutor will pay special attention to the "top ten" offenders identified by police staff as being especially dangerous and having a high propensity towards escalating violence and incidents. The CAFV will continue to support victims of domestic violence with shelter, monetary support, and legal referral and assistance.

Budget Detail

A. Personnel-Four detectives

Name/Position	Computation			Cost
Detective	Salaries	\$45,185	4 detectives	Annual Salary \$180,740.00
Sergeant	Salary	\$48,195.56	1 sergeant	Annual Salary \$48,195.56
County Attorney				<u>\$50,000.00</u>
Annual Personnel Total:				\$278,935.56
Total for 24 months:				<u><u>\$557,871.12</u></u>

B. Fringe Benefits

Name/Position	Computation			Cost
	Annual Fringe Benefits			
Detective				
WK Comp	\$3,185.41	4 detectives	Annual Cost	\$12,741.64
Unemp	\$45.18	4 detectives	Annual Cost	\$180.72
Health Insurance	\$1,602.96	4 detectives	Annual Cost	\$6,411.84
Life Insurance	\$35.04	4 detectives	Annual Cost	\$140.16

Pension	\$8,132.95	4 detectives	Annual Cost	\$32,531.80
Vision/Dental-Uniform	\$410.40	4 detectives	Annual Cost	\$1,641.60
FICA Med	<u>\$655.15</u>	4 detectives	Annual Cost	\$2,620.60
	\$14,067.09	Annual Detective Benefits		\$56,268.36
	Sub-Total for 24 months:			\$112,536.72

Sergeant

WK Comp	\$3,517.75	1 sergeant	Annual Cost	\$3,517.75
Unemp	\$49.90	1 sergeant	Annual Cost	\$49.90
Health Insurance	\$4,200.00	1 sergeant	Annual Cost	\$4,200.00
Life Insurance	\$35.04	1 sergeant	Annual Cost	\$35.04
Pension	\$8,981.50	1 sergeant	Annual Cost	\$8,981.50
Vision/Dental-Uniform	\$199.44	1 sergeant	Annual Cost	\$199.44
FICA Med	\$723.51	1 sergeant	Annual Cost	\$723.51
	\$17,707.14			<u>\$35,414.28</u>
	Total for 24 months:			<u><u>\$147,951.00</u></u>

C. Supplies

Supply Items	Cost
Offices Supplies	\$1,500.00
Training Materials	\$4,000.00
Postage	<u>\$500.00</u>
Supplies Total:	<u><u>\$6,000.00</u></u>
Total for 24 months:	\$12,000.00

Budget Summary

Budget Category:	Subtotals:
A. PERSONNEL	\$557,871.12
B. FRINGE BENEFITS	\$147,951.00

C. SUPPLIES	\$12,000.00	
		Total <u><u>\$717,822.12</u></u>
Federal Request		<u><u>\$717,822.12</u></u>

MEMORANDUM OF UNDERSTANDING (20 POINTS)

**GRANT TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT
OF PROTECTION ORDERS**

I. PURPOSE

This Memorandum of Agreement (MOA) among the El Paso District Attorney of the 34th Judicial District, the El Paso Police Department Domestic Violence Unit, the Center Against Family Violence (CAFV) to Encourage Arrest Policies and Enforcement of Protection Orders is to:

- (1) Ensure a clear understanding of the roles, responsibilities, processes and protocols regarding the investigation of domestic violence and the serving of victims of domestic violence in the El Paso, Texas area.
- (2) Build and/or enhance collaborative efforts between law enforcement, prosecutors and domestic violence victims’ service providers that strengthen but do not duplicate existing service efforts.

II. BACKGROUND

The City of El Paso Police Department, the El Paso District Attorney's Office, and the Center Against Family Violence (CAFV) have worked closely and collaboratively for decades to address the troubling problem of domestic violence. The roles of each agency have traditionally and logically been very clear. The Police Department will continue to fulfill the role of investigating incidents of domestic violence, arresting offenders, presenting criminal cases to the District Attorney for prosecution, protecting victims and making referrals to the CAFV for victim services.

The District Attorney will continue in the role of prosecuting cases of domestic violence that fall within the limits of the District Attorney's jurisdiction. The District Attorney's office will continue its' tradition of acting in the best interests of justice in matters of domestic violence.

The Center Against Family Violence (CAFV) will continue its' superior efforts aimed towards serving victims of domestic violence, that include:

- 24 hour crisis hotline
- Sheltering victims from further abuse
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- Community outreach
- Community relations
- Volunteer services
- Thrift store

III. GOALS

The goal of the collaborative is to:

- (1) Increase identification of domestic violence victims
- (2) Pro-arrest law enforcement tactics
- (3) Improve prosecution of repeat domestic violence offenders
- (4) Increase the successful prosecution of domestic violence offenders
- (5) Ensure victim safety and access to needed services

IV. AUTHORITY

This MOU is entered into pursuant to the Violence Against Women Act (VAWA), which was created in 1995. The VAWA and subsequent legislation seeks to provide national leadership against domestic violence, sexual assault and stalking by arresting and prosecuting domestic violence offenders and to ensure the safety of domestic violence victims. A program goal associated with this act is the development of a centralized Domestic Violence Unit to collaborate the efforts of law enforcement, prosecution and social services to better identify, enforce, prosecute and provide safe havens for victims of domestic violence. In addition, local law enforcement must develop and maintain close working relationships with the victim service providers and other faith-based and community-based organizations, as well as with the District Attorney's Office.

V. ROLES AND RESPONSIBILITIES

- A. El Paso Police Department will utilize pro-arrest tactics with domestic violence offenders and assure the safety of domestic violence victims.

- B. El Paso District Attorney will prosecute batterers and focus efforts on repeat offenders of domestic violence crimes.
- C. The Center Against Family Violence will provide a safe haven for victims of domestic violence and deliver other services as is normal practice.

VI. IMPLEMENTAION

The conditions of this agreement become effective upon signing. This MOU will remain in effect until action is initiated to dissolve the agreement as evidenced by written notice affected by an authorized representative. Any amendments to the MOU shall be in writing and executed in the same manner as the original MOU.

STANDARD ASSURANCES AND CERTIFICATIONS

ANTI-LOBBYING ACT

CERTIFICATION OF NON-SUPPLANTING

INDIRECT COST RATE AGREEMENT